

AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 254

Introduced by Senator ~~Leyva~~ Allen

February 18, 2015

~~An act to amend Section 30275 of the Public Utilities Code, relating to transit districts. An act to amend Section 73 of the Streets and Highways Code, relating to state highways.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 254, as amended, ~~Leyva Allen. Transit districts: ordinances. State highways: relinquishment.~~

Existing law gives the Department of Transportation full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. Existing law also provides for the commission to relinquish to local agencies state highway segments that have been deleted from the state highway system by legislative enactment or have been superseded by relocation, and in certain other cases. Existing law prohibits relinquishments of those segments that have been superseded by relocation until the department has placed them in a state of good repair and maintenance, as defined, including litter removal, weed control, and tree and shrub trimming.

This bill would revise and recast these provisions to delete the requirement that the portion to be relinquished be deleted from the state highway system by legislative enactment or superseded by relocation. The bill would authorize the commission to relinquish to a county or a city a portion of a state highway that is not part of the interregional road system, if the department has entered into an agreement with the

county or city providing for the relinquishment and the road has been placed in a state of good repair. The bill would delete the requirement that good repair includes maintenance.

The bill would require the department, not later than April 1, 2016, and biennially thereafter, to make a specified report to the commission on which state highway routes or segments primarily serve regional travel and do not primarily facilitate interregional movement of people and goods. The bill would also authorize the department to identify in the report which of those routes and segments are the best candidates for relinquishment.

The bill would also authorize the commission to relinquish a portion of a state highway to a county or city, if the department and the county or city concerned have entered into an agreement providing for the relinquishment of a portion of a state highway, within the territorial limits of the county or city, that is not an interstate highway and does not primarily facilitate the interregional movement of people and goods, as determined in the report. The bill would also require that the relinquishment of those routes and segments is subject to certain conditions, including that the department complete a specified cost-benefit analysis and hold a public hearing on the proposed relinquishment.

The bill would require the commission to compile a list of all portions of the state highway system relinquished in the previous 12 months and include this information in its annual report to the Legislature, as specified.

~~Existing law provides for the creation of the Southern California Rapid Transit District in and around the County of Los Angeles, with specified powers and duties relative to providing public transit service. Existing law requires an ordinance passed by the board of directors of the district to be published once within 15 days after passage in a newspaper of general circulation printed and published in the district.~~

~~This bill would authorize the district to print and publish an ordinance in a newspaper of general circulation more than once within 15 days after passage. The bill would require the district to also make an ordinance available online on appropriate Internet Web sites within 15 days after passage. By requiring a local agency to perform an additional duty, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 73 of the Streets and Highways Code is*
2 *amended to read:*

3 ~~73. The commission shall relinquish to any county or city any~~
4 ~~portion of any state highway within the county or city that has~~
5 ~~been deleted from the state highway system by legislative~~
6 ~~enactment, and the relinquishment shall become effective upon~~
7 ~~the first day of the next calendar or fiscal year, whichever first~~
8 ~~occurs after the effective date of the legislative enactment. It may~~
9 ~~likewise relinquish any portion of any state highway that has been~~
10 ~~superseded by relocation. Whenever~~

11 73. (a) *The Legislature finds and declares both of the*
12 *following:*

13 (1) *Ownership and management of transportation infrastructure*
14 *should be placed at the most appropriate level of government.*
15 *Transportation infrastructure primarily serving regional travel*
16 *and not primarily facilitating interregional movement of people*
17 *and goods is typically best managed by local and regional*
18 *government entities. Transportation infrastructure, including*
19 *interstate highways, that is needed to facilitate interregional*
20 *movement of people and goods is typically best managed at the*
21 *state government level.*

22 (2) *The Legislature intends for the department to identify routes,*
23 *and segments of routes, that may be appropriate candidates for*
24 *relinquishment and to streamline the process of approving*
25 *relinquishments where the department and the city or county have*
26 *entered into an agreement providing for the relinquishment.*

27 (b) (1) *The commission may relinquish to a county or city a*
28 *portion of a state highway within the county or city that is not part*
29 *of the interregional road system as defined in Section 164.3.*

30 (2) *The commission shall not relinquish a portion of a state*
31 *highway pursuant to paragraph (1) until the department has*
32 *entered into an agreement with the county or city providing for*
33 *the relinquishment and the department has placed the highway in*

1 *a state of good repair. This requirement shall not obligate the*
2 *department for widening, new construction, or major*
3 *reconstruction.*

4 (c) *Whenever the department and the county or city concerned*
5 *have entered into an agreement providing therefor, or the legislative*
6 *body of the county or city has adopted a resolution consenting*
7 *thereto, the commission may relinquish, to that county or city, any*
8 *frontage or service road or outer highway, within the territorial*
9 *limits of the county or city, ~~which has a right-of-way of at least~~*
10 *40 feet in width and ~~which~~ that has been constructed as a part of*
11 *a state highway project, but does not constitute a part of the main*
12 *traveled roadway thereof. The*

13 (d) *The commission may also relinquish, to a county or city*
14 *within whose territorial limits it is located, any nonmotorized*
15 *transportation facility, as defined in Section 887, constructed as*
16 *part of a state highway project if the county or city, as the case*
17 *may be, has entered into an agreement providing therefor or its*
18 *legislative body has adopted a resolution consenting thereto.*

19 (e) (1) *The commission may relinquish a portion of a state*
20 *highway to a county or city if the department and the county or*
21 *city concerned have entered into an agreement providing for the*
22 *relinquishment of that portion of that state highway, within the*
23 *territorial limits of the county or city, that is not an interstate*
24 *highway and does not primarily facilitate the interregional*
25 *movement of people and goods as determined in the report*
26 *described in subdivision (h). The department and the county or*
27 *city shall agree upon the condition or state of the relinquished*
28 *portion of the state highway at the time of its transfer from the*
29 *department to the county or city. The agreement shall specify any*
30 *financial terms upon which the department and county or city have*
31 *agreed. The agreement shall transfer all legal liability for the*
32 *relinquished portion of the state highway at the time of its transfer*
33 *from the department to the county or city.*

34 (2) *A relinquishment pursuant to paragraph (1) shall not occur*
35 *unless all of the following conditions are met:*

36 (A) *The commission has determined the relinquishment is in the*
37 *best interest of the state.*

38 (B) *The department completes a cost-benefit analysis on behalf*
39 *of the state, that may include a review of route continuity, market*
40 *value assessments of the proposed relinquishment and associated*

parcels, a review of historical and estimated future maintenance costs of the proposed relinquishment, or any other quantifiable economic impacts.

(C) The commission holds a public hearing on the proposed relinquishment.

(3) Upon relinquishment of a portion of a state highway under this subdivision, the county or city accepting the relinquished former portion of state highway shall maintain within its jurisdiction signs directing motorists to the continuation of the remaining portions of the state highway, if any, to the extent deemed necessary by the department.

Relinquishment

(f) Relinquishment shall be by resolution. A certified copy of the resolution shall be filed with the board of supervisors or the city clerk, as the case may be. A certified copy of the resolution shall also be recorded in the office of the recorder of the county where the land is located and, upon its recordation, all right, title, and interest of the state in and to that portion of any state highway shall vest in the county or city, as the case may be, and that highway or portion thereof shall thereupon constitute a county road or city street, as the case may be.

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(g) The vesting of all right, title, and interest of the state in and to portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished, is hereby confirmed.

(h) Not later than April 1, 2016, and biennially thereafter, the department shall report to the commission on which state highway routes or segments primarily serve regional travel and do not primarily facilitate interregional movement of people and goods. The department may identify these routes or segments by one or more categories and shall indicate which routes and segments are the best candidates for relinquishment. The report shall include an aggregate estimate of future maintenance and preservation costs of the identified routes and segments. The commission, in consultation with the department, shall develop guidelines for this report.

Prior

(i) (1) Prior to relinquishing any a portion of a state highway to a county or a city, except where required by legislative

1 ~~enactment~~, city pursuant to subdivisions (b) to (d), inclusive, the
2 department shall give 90 days' notice in writing of intention to
3 relinquish to the board of supervisors, or the city council, as the
4 case may ~~be~~. *be, of both the jurisdiction and location of the portion*
5 *of the state highway to be relinquished and the jurisdictions*
6 *immediately adjacent to the route where the state highway*
7 *continues.* Where the resolution of relinquishment contains a recital
8 as to the giving of the notice, adoption of the resolution of
9 relinquishment shall be conclusive evidence that the notice has
10 been given.

11 ~~The commission shall not relinquish to any county or city any~~
12 ~~portion of any state highway that has been superseded by relocation~~
13 ~~until the department has placed the highway, as defined in Section~~
14 ~~23, in a state of good repair. This requirement shall not obligate~~
15 ~~the department for widening, new construction, or major~~
16 ~~reconstruction, except as the commission may direct. A state of~~
17 ~~good repair requires maintenance, as defined in Section 27,~~
18 ~~including litter removal, weed control, and tree and shrub trimming~~
19 ~~to the time of relinquishment.~~

20 ~~Within~~

21 (2) *Within* the 90-day period, the board of supervisors or the
22 city council may protest in writing to the commission stating the
23 reasons therefor, including, but not limited to, objections that the
24 highway is not in a state of good repair, or is not needed for public
25 use and should be vacated by the commission. ~~In the event that~~ *If*
26 the commission does not comply with the requests of the protesting
27 body, it may proceed with the relinquishment only after a public
28 hearing given to the protesting body on 10 days' written notice.

29 (j) *The commission shall compile a list of all portions of the*
30 *state highway system relinquished in the previous 12 months and*
31 *include this information in its annual report to the Legislature*
32 *pursuant to Section 14535 of the Government Code.*

33 ~~SECTION 1. Section 30275 of the Public Utilities Code is~~
34 ~~amended to read:~~

35 ~~30275. An ordinance shall be signed by the president or the~~
36 ~~vice president of the board and attested by the secretary. An~~
37 ~~ordinance shall be published at least once within 15 days after~~
38 ~~passage in a newspaper of general circulation printed and published~~
39 ~~in the district and shall also be made available online on appropriate~~
40 ~~Internet Web sites within 15 days after passage.~~

1 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~a local agency or school district has the authority to levy service~~
4 ~~charges, fees, or assessments sufficient to pay for the program or~~
5 ~~level of service mandated by this act, within the meaning of Section~~
6 ~~17556 of the Government Code.~~

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